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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,403	02/21/2007	Karl-Heinz Minuth	095309.57633US	1402
23911 7590 07/28/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER ALEX, JAMES S	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 07/28/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/577,403

**Applicant(s)**

MINUTH ET AL.

**Examiner**

JAMES ALEX

**Art Unit**

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-12 and 14-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 10-12 and 14-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 14-21 are objected to because of the following informalities: they depend on a canceled claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10-12, 14-19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haupt et al. US 20020096915 in view of Suzuki et al. US 6062641.

Re claims 10-12, 14-19, 21, Haupt discloses a series of components for an actively ventilated (by means of a fan 16) motor vehicle seat comprising: a cushion core 18a, a plurality of intersecting regularly arranged ventilation ducts 56 running along and inside a seat surface and having constant cross section (Figs. 8 and 9 clearly show the ducts in a grid pattern, and the grid pattern is further disclosed in Par [0037], since a grid is generally understood to mean a pattern with perpendicular intersections as seen in the figures, the cross sections of these ducts would be constant in at least some

plane for at least for a portion of the duct), and a plurality of ventilation channels 34 arranged transversely to the ducts only in regions with ventilation provided, having a constant cross section (Figs. 8 and 9 show the ventilation channel in the shape of a circle having a constant cross section; Fig. 8 is disclosed as an elevational view, and since channel 34 is a circle from a vertical view point it is undeniably of constant cross section), penetrating the entire thickness of the cushion core (see Fig. 9; the channel penetrates the entire thickness of the cushion core where it is located) and extending from the ventilation ducts as far as a rear wall facing away from at least one of the seat surface and backrest surface (they extend to rear (bottom) wall of 18a facing away from the seat surface), and the ventilation ducts are configured as a duct grill (see Fig. 9) to intersect in a connected manner in terms of flow.

Haupt does not disclose that a predetermined arrangement of at least one of the ventilation ducts and channels in the cushion core defines regions ventilated to different extents adapted to a ventilation requirement of a standard vehicle occupant depending on a body pressure distribution and/or body contact points, or that the ventilation ducts are closed in regions in which no ventilation is provided

Suzuki teaches a similar ventilation device which includes ducts in a predetermined arrangement in the cushion core defining regions ventilated to different extents depending on an occupant (Column 3, lines 51-54) depending on a body pressure distribution and/or body contact points (see Fig. 3, col. 3, lines 56-62; Col. 4, lines 43-46), with the ducts being closed in regions in which no ventilation is provided in

order to provide optimal ventilation where the standard vehicle occupant requires it, and not provide excess ventilation in regions that do not require it based on the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the seat disclosed by Haupt by arranging the ducts in a predetermined arrangement defining regions ventilated to different extents depending on an occupant's body pressure and/or body contact points, and not provide excess ventilation in regions that do not require it based on the user, as taught by Suzuki in order to provide more or less ventilation based on the needs of an occupant, improving efficiency and comfort.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haupt et al. US 20020096915 in view of Suzuki et al. US 6062641 as applied to claim 10 above, and further in view of Steinmeier US 6546578.

Re claim 20, Haupt modified with a teaching from Suzuki disclose the invention according to claim 10.

Haupt does not disclose that the vehicle seat is a passively ventilated vehicle seat. Steinmeier teaches the use of a ventilated vehicle seat that is passively ventilated (Col 2, lines 13-21) for good climate comfort as well as being more economical and simple than ventilated seats with active means. It would have been obvious to one of ordinary skill at the time the invention was made to modify the series of components

disclosed by haupt by using passive ventilation similar to the system taught by Steinmeier to save energy, thus reducing cost of use and manufacture.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 04/07/08, with respect to the rejection(s) of claim(s) 10-21 under USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Haupt et al. US 20020096915 in view of Suzuki et al. US 6062641 (claims 10-12, 14-19, 21) and Haupt et al. US 20020096915 in view of Suzuki et al. US 6062641 in view of Steinmeier US 6546578 (claim 20).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES ALEX whose telephone number is (571)270-3740. The examiner can normally be reached on M-TH, 7:30 am to 5:00 pm; F, 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dunn David can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Dunn/  
Supervisory Patent Examiner  
Art Unit 3636

JA 07/22/08